

Remarks

A. Pending Claims

Claims 1-3, 5-22, 24-26, 28, and 29 are pending. Claims 1-3, 5-22, 24-26, 28, and 29 were rejected.

B. Double Patenting

The Office Action states: “Claims 1-3, 5-22, 24-26, 28, and 29 are rejected on the ground of nonstatutory double patenting over claims 29, 30 and 33 of co-pending Application No. 10/557,445.” Applicant believes the quoted Application No. is a typographical error as Application No. 10/557,445 relates to a synthetic bioelastomer. Applicant believes the Examiner means co-pending Application No. 10/557,724 as discussed in a phone conversation between Dr. Kay Colapret and the Examiner on September 15, 2008. Clarification of the rejection is respectfully requested.

Since co-pending Application No. 10/557,724 has not been examined, Applicant respectfully requests that the double patenting rejection be removed.

C. Additional Remarks

Applicant believes the claims are in condition for allowance.

Metzemacher
10/541,496

If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are required, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5628-26320/EBM.

Respectfully submitted,

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